

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Minutes of Open Meeting Held May 30, 2002**

**Attendees: Chairman Elia Germani, Commissioner Kate Racine, Commissioner Brenda Gaynor, Steven Frias, Cindy Wilson, Thomas Massaro, Alan Nault and Luly Massaro.**

**Chairman Germani called the open meeting to order at 2:00 PM in the first-floor hearing room of the Public Utilities Commission. A quorum was present.**

**Competitive Telecommunications Service Providers**

The following companies registered to provide telecommunications service in RI. The Division has reviewed the registration and recommends approval of:

3435 – Granite Telecommunications, LLC

2262(A17) – Kiger Telephone & Telephony, LLC

2262(B17) – Custom Teleconnect, Inc.

After review, Chairman Germani asked for a motion and Commissioner Racine moved to approve the registrations. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

The following telecommunications service providers submitted tariff revisions. The Division has reviewed the tariff filings and does not recommend suspension of:

2702 – Verizon Select Services, Inc. (filings of 05/13 & 05/15)

2872 – ACC Communications LLC d/b/a Adelphia Business Solutions

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

The following telecommunications service providers request that their authority to operate be rescinded:

2262(G6) – McLeodUSA Telecommunications Services, Inc.

2262(Y) – Incomnet Communications Corp.

2262(B16) – Keen LD, Inc.

After review, Chairman Germani asked for a motion and Commissioner Racine moved to rescind their authority to operate. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

**3430 – Verizon Rhode Island:** The Company submitted a tariff filing to introduce Anonymous Call Rejection service for effect June 3, 2002. The Division has reviewed the tariff filing and recommends that it be accepted as filed.

Commissioner Racine commended Verizon for the tremendous work put into this filing. She noted that Verizon had collaborated with the RI Coalition Against Domestic Violence to resolve issues raised and insure that safeguards were instituted to protect victims of domestic violence. She supported the filing and moved to approve Verizon's proposed Anonymous Call Rejection. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

**3195 & 3256 – Verizon Rhode Island:** This docket relates to the Commission's review of Verizon's Performance Assurance Plan (PAP). The Company filed a Motion for Partial Relief From Order. The Order requires the Company to issue performance-related payments under the PAP to CLECs by check rather than bill credits, until such time Verizon could provide billing information for PAP related bill credits that was already available in NY. The Company has updated its billing system and will begin providing information regarding performance-related payments to CLECs. The Company provided a sample of the notification of bill credits it will send to CLECs. The Division filed a response to the motion indicating that the level of billing credit detail in the sample notification falls short of CLECs need for details regarding charges and billing credits. The Division requested that the Commission postponed action on the motion until such time Verizon releases the PAP Market Adjustment Summary Report to the CLECs and the CLECs have had an opportunity to review and assess the level of billing information.

Commissioner Gaynor noted that while the Division may have expressed concern about the sufficiency of the billing credit detail, the concern was not echoed by the CLECs, as not a single CLEC response was filed to Verizon's motion. Further, Verizon has already implemented bill credits in Massachusetts in the same format as being proposed in RI, without objection by any of the CLEC's doing business in Massachusetts. Commissioner Gaynor therefore moved to grant Verizon's motion to allow it to provide bill credits instead of checks for PAP-related payments, with the condition that the Commission reserves its right to revisit the issue and require changes should a problem develop.

Commissioner Racine supported the Division's position. With the telecommunications business being in a state of flux, she felt that denying the motion would not cause harm to Verizon or to ratepayers. She found no compelling reason not to postpone a decision and therefore moved to deny Verizon's motion.

Chairman Germani concurred with Commissioner Gaynor and seconded her motion. He opined that with many CLECs in bankruptcy, he felt the better approach was to issue bill credits instead of checks in order to avoid an increase in Verizon's uncollectible CLEC accounts. The motion to grant Verizon's Motion for Partial Relief from Order was passed. **Vote 2-1** (Commissioner Racine dissenting).

**Pawtucket Water Supply Board:** Concerned that the delay in awarding the construction contract for the new water treatment plant may adversely affect ratepayers due to the EPA mandate requiring the plant to be in service in 2004, Commissioner Racine directed that Atty. Wilson send a letter to PWSB to inquire on the status of the dispute between the PWSB and City of Pawtucket regarding the selection of the bidder to build the new treatment plant. Commissioner Racine also noted that she had previously directed PWSB's General Manager to apprise the EPA in writing of the dispute because it is delaying the timely award and commencement of the construction contract.

The open meeting adjourned at 2:23 P.M.